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Attorneys for Plaintiff,
SMART MEMORY SOLUTIONS, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SMART MEMORY SOLUTIONS, LLC

Plaintiff,

v.

TOSHIBA AMERICA ELECTRONIC
COMPONENTS, INC.,

Defendant.

Case No. 3:12-cv-01549-EMC

**JOINT STIPULATION TO
EXTEND TIME FOR
SETTLEMENT CONFERENCE
WITH MAGISTRATE JUDGE ; ORDER
DEMAND FOR JURY TRIAL**

Pursuant to Rule 61 of the Federal Rules of Civil Procedure and Civil L.R. 6-2, the parties hereto stipulate to this joint request for additional time to conduct the settlement

JOINT STIPULATION TO EXTEND TIME
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1 conference with Magistrate Judge Paul S. Grewal previously ordered by this Court. In support of
2 this stipulated request, the parties state as follows:

- 3 1. As part of this Court's Case Management Order entered in this case on August 28,
4 2012, (*see* Dkt. No. 96), the Court stated that it would refer this matter for
5 settlement conference with a Magistrate Judge, to be conducted no later than
6 January 11, 2013. This Court's Case Management Order further requires the
7 parties to submit an updated Joint Case Management Conference Statement on
8 January 18, 2013.
- 9 2. On September 10, 2012, pursuant to the parties' stipulation regarding selection of
10 a Magistrate Judge, this Court referred this case to Magistrate Judge Paul S.
11 Grewal for settlement conference. The Court further directed that the settlement
12 conference was to be completed within ninety (90) days of the date of the Order
13 (*see* Dkt. No. 97) (*i.e.*, December 7, 2012).
- 14 3. On September 25, 2012, Judge Grewal's chambers provided counsel for the
15 parties with three (3) dates in November on which Judge Grewal would be
16 available to conduct the settlement conference: November 5, 2012, November 19,
17 2012, and November 26, 2012.
- 18 4. Counsel for the parties attempted to consult with their respective clients and with
19 each other to agree upon one of the three (3) proposed dates.
- 20 5. Before the parties and their counsel could coordinate this agreement, however,
21 Judge Grewal's chambers notified the parties that the three (3) dates originally
22 proposed in November were no longer available.

- 1 6. Judge Grewal's chambers has now advised the parties that Judge Grewal would
2 be available on January 4, 2013, to conduct the settlement conference. While this
3 date is before the date originally specified by this Court in its Case Management
4 Order, it is after the time period specified by this Court in its subsequent Order
5 referring the case to Judge Grewal for the settlement conference.
6
7 7. The parties respectfully submit that if the settlement conference is held on January
8 4, 2013, there would be sufficient time for the parties to submit an updated Joint
9 Case Management Conference Statement by January 18, 2013.
10
11 8. The parties have attempted to act diligently with respect to the scheduling of the
12 settlement conference. The requested modification will have no effect on any of
13 the other scheduled dates in this matter.

14 WHEREFORE, the parties respectfully request that this Court grant the parties'
15 Stipulation to conduct the settlement conference before Judge Grewal on January 4, 2013.

16 Agreed to by:

17
18
19 Dated: October 16, 2012

/s/ Daniel M. Shafer

Daniel M. Shafer
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Counsel for Plaintiff,
SMART MEMORY SOLUTIONS, LLC

1 Dated: October 17, 2012

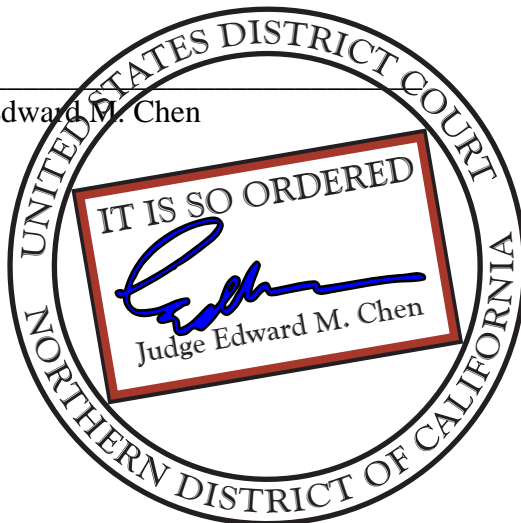
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TOSHIBA AMERICA ELECTRONIC
COMPONENTS, INC.

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 Hon. Edward M. Chen



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